REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1-6 are currently pending in this application. No new matter has been added by way of the present amendment. For instance, the amendment to claim 1 is supported by the Specification at, for example, page 1, lines 19-23, and page 17, line 20 to page 18, line 1. Accordingly, no new matter has been added.

In view of the amendments and remarks herein, Applicants respectfully request that the Examiner withdraw all outstanding rejections and allow the currently pending claims.

Election/Restrictions

The Examiner maintains the restriction requirement issued on September 13, 2007. Applicants respectfully traverse.

As previously discussed, Groups I and II are related to a general inventive concept under PCT Rule 13.1. Accordingly, although Applicants have elected Group I for initial prosecution, Applicants are entitled to a second invention category (i.e., Group II). Reconsideration and withdrawal of the present restriction requirement are thus respectfully requested.

Furthermore, in the event that the Examiner maintains the present restriction requirement, Applicants request that, once allowable subject matter is established for the porous film of claim 1, any "method of making" claims, such as claims 5- 6, be rejoined to the extent that they require all limitations of claim 1.

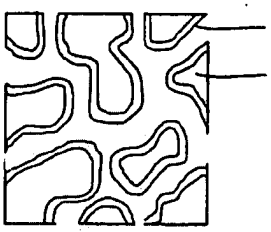
Issues Under 35 U.S.C. § 102(b)

Claims 1-4 stand rejected under 35 U.S.C. §102(b) as anticipated by Nagou et. al. (U.S. 4,791,144) (hereinafter Nagou '144). Applicants respectfully traverse.

The Examiner asserts that Nagou '144 teaches a microporous polypropylene film, having a network structure comprising intercommunicating pores having an average pore size of 0.005 to 0.6μ, a porosity of 30 to 90% and a thickness of 5 to 200μ. Furthermore, the Examiner notes that Nagou's microporous film is formed of polypropylene, and asserts that this "inherently reads on the chemical resistant polypropylene "covering" on the film base".

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of anticipation. For anticipation under 35 U.S.C.§102, the reference must teach each and every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993). To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present". *In re Robertson*, 169 F.3d 743, 49 USPQ2d 1949 (Fed. Cir. 1999). The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *Id.*

The present porous film comprises a porous film base and a coating of chemical-resistant polymeric compound, as illustrated by the following Figure:



The porous film base of the present invention is produced by a phase conversion method in which mixtures containing polymers are cast as films and then introduced to solidifying liquids. As discussed at pages 1 and 2 of the present Specification, polymers such as amide-imide polymers, imide polymers, sulfone polymers, fluoro polymers, and olefinic polymers are known as materials for constituting porous films. However, when porous films (the porous film base) comprising such materials are produced by a phase conversion method, in which mixtures containing the polymers are cast as films and then introduced to solidifying liquids, the resulting films (the porous film base) produced have skin layers (dense layers), and they have substantially no open pores or have low rates of open pores on their surfaces.

The present invention overcomes the problems present in prior art porous films. In the present invention, a porous film that is excellent in chemical resistance and contains a multiplicity of communicating micropores can be obtained by covering a porous film (the porous film base produced by the phase conversion method) with a polymer having excellent chemical resistance.

Nagou '144 discloses a microporous polypropylene film prepared by melt-forming into a sheet or film a mixture comprising a propylene homopolymer, and stretching the sheet or film at an area stretching ratio of 1.5 to 30 (see column 2, line 53-column 3, line 3 in Nagou '144). The microporous film of Nagou is not prepared by a phase conversion method.

Clearly, Nagou '144 fails to explicitly or implicitly teach each and every aspect of the claimed invention. Accordingly, this rejection is improper.

Reconsideration and withdrawal of this rejection are thus respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and objections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact MaryAnne Armstrong, Reg. No. 40,069 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By _____
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